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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

0502/3
11/7/97

Applicant: Karl E. Giersckky et al.

Title: ESTERS OF 5-AMINOLEVULINIC ACID AS PHOTSENSITIZING AGENTS IN
PHOTOCHEMOTHERAPY

Docket No.: 697.002US1

Filed: September 10, 1997

Examiner: Unknown

Serial No.: 08/913,257

Due Date: November 10, 1997

Group Art Unit: Unknown

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet containing Certificate under 37 CFR 1.8 (1 pg.).
- ☒ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 (1 pg.)
- ☒ Request for Refund (1 pg.)
- ☒ A return postcard.
- Other: ____

No Additional fee is required.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described above, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 7th day of November, 1997.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: [Signature]
Name: Ann S. Viksnins
Reg. No. 37,748
ASV:CMG:lmc

SMALL BUSINESS

697.002US1


VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
 (37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- a) ☐ the owner of the small business concern identified below:
- b) ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: PhotoCure AS
 ADDRESS OF CONCERN: Norveien 7
Montebello
Oslo N-0310 Norway

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ESTERS OF 5-AMINOLEVULINIC ACID AS PHOTSENSITIZING AGENTS IN PHOTOCHEMOTHERAPY by inventors Karl E. Giersckey, Johan Moan, Qian Peng, Harald Steen, Trond Warloe and Alf Biorseth described in application serial no. 08/913,257, filed September 10, 1997.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
 ADDRESS _____
 a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME _____
 ADDRESS _____
 a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME Vidar Hansen M.D., Ph.D. PhotoCure AS
 TITLE/POSITION Professor, President P.O. Box 55, Montebello
0310 Oslo, Norway
 ADDRESS _____
 SIGNATURE [Signature] DATE 6/10 97